

6/28/2017 4:34 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT CAVANAGH and JOANNE CAVANAGH,

Plaintiffs,

-against-

MEMORANDUM & ORDER
13-CV-4584 (JS) (SIL)

FORD MOTOR COMPANY,

Defendant.

-----X
APPEARANCES

For Plaintiffs: Joseph G. Dell, Esq.
Christopher Dean, Esq.
James V. Durgana, Esq.
Kristen Nicole Sinnott, Esq.
Dell & Dean PLLC
1225 Franklin Avenue, Suite 450
Garden City, NY 11530

For Defendant: Peter Joseph Fazio, Esq.
Aaronson, Rappaport, Feinstein & Deutsch
600 Third Avenue
New York, NY 10016

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Steven I. Locke's Report and Recommendation ("R&R") recommending that defendant Ford Motor Company's ("Defendant" or "Ford") motion for summary judgment be granted. (R&R, Docket Entry 70.) For the following reasons, the Court ADOPTS Judge Locke's R&R in its entirety.

BACKGROUND

On July 30, 2013, plaintiffs Robert Cavanagh and Joanne Cavanagh ("Plaintiffs") commenced this products liability action

against Ford, Altec, Inc., and Altec Industries, Inc., in state court. (Not. of Removal, Docket Entry 1, at Ex. A.) On August 14, 2013, Plaintiffs' action was removed to this Court. (Not. of Removal.) On January 29, 2015, Plaintiffs' claims against Altec, Inc. and Altec Industries, Inc. were dismissed without prejudice pursuant to the parties' Stipulation of Discontinuance. (See Docket Entry 28.)

On December 15, 2016, Defendant moved for summary judgment. (See Docket Entry 65.) On April 12, 2017, Defendant's motion was referred to Judge Locke for a report and recommendation. (See Docket Entry 69.) On June 9, 2017, Judge Locke issued his R&R recommending that Defendant's motion be granted in its entirety. (R&R at 1.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party

has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Locke's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Locke's R&R (Docket Entry 70) is ADOPTED in its entirety and Defendant's motion for summary judgment (Docket Entry 65) is GRANTED. The Clerk of the Court is directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 28, 2017
Central Islip, New York